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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,105	01/11/2001	Robert C. Dorr	1420/6(a)	1837

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,105

Applicant(s)

DORR, ROBERT C.

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson (US 6,415,270 B1) in view of Bloomfield (US 6,141,008).

Regarding Claim 1 and related claims 10 and 19, Rackson teaches a method for displaying time left for an on-line auction of an item in a computer, said method comprising the steps of: obtaining the official auction time for said on-line auction in the computer (see at least Col 13, lines 55 – 58, Col 15, lines 25 – 27 and Col 18, lines 18 – 20), obtaining the auction time left for said item (see at least Figure 14), comparing in the computer the obtained processor time to the obtained official auction time (see at least Col 13, lines 51 – 57 and Figures 3 and 14), determining in the computer the processor time left for said item in said on-line auction based on the processor time in response to the comparing step and said obtained auction time left (see at least Col 27, lines, 7 – 8 and Figures 3 and 14), displaying in the computer the processor time left for said item (see at least Figures 3 and 14).

However, Rackson does not specifically disclose and teach obtaining the processor time in the computer and further including the steps of: providing an icon during said on-line auction, clicking on the icon to activate the displaying of the time left.

On the other hand, Bloomfield does disclose and teach disclose obtaining the processor time in the computer (Col 7, lines 3 – 10 and Figure 5).

Please note that Rackson address auctions taking place in multiple geographic regions such as outlined in - Col 15, lines 26 – 28. However, Rackson does not specifically address time in this section of the reference. Rather, the reference section of Rackson discusses the currency conversion capability of the auction in order to accommodate different currencies – France and US and their worth at the appropriate time. In light of the fact that this is world wide online trading exchange, the method and system of Rackson would also to have compare the two times - internal/local cpu clock time of a participant's computer with the time in France in order to calculate the time remaining in the auction – to ensure correct time remaining for all parties, as part of the service. For example and given that France is, depending on daylight saving and the fact that computers are not using Zulu Time, 6 hours ahead of the Eastern US and 9 hours ahead of the West Coast of the US – necessities that the service provider will need to ensure equal trading opportunities in terms of currency and as importantly time. In that regard, the method and system of Rackson must take into account this time difference

of time zones in order to display the correct time remaining (see Figure 14) – relative to the local cpu/computer time in order to ensure that bidder/seller is assured of the exact time remaining in that auction - at that location. This is a hard requirement regardless of the time zone of the other site and thereby assures all participants of a timely ability to participate in the bidding and selling.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Rackson with the methods and system of Bloomfield to enable for displaying time left for an on-line auction of an item in a computer, said method comprising the steps of: obtaining the processor time in the computer, obtaining the official auction time for said on-line auction in the computer, obtaining the auction time left for said item, comparing in the computer the obtained processor time to the obtained official auction time, determining in the computer the processor time left for said item in said on-line auction based on the processor time in response to the comparing step and said obtained auction time left, displaying in the computer the processor time left for said item – in order to provided a trust worthy and easily identified and initiated method and system to display the time remaining of distant auctions. In this regard, the individual using the auction would have been provided with an easy to use and easy to initiate time display. Moreover, the individual user can trust that time remaining is displayed as current local/cpu time in order to ensure that they do not miss the closing time of the auction and possibly not be able to participate appropriately. Thereby their satisfaction will be significantly enhanced and thereby will

improve the probability that they will use the auction site more often as well as recommend the online auction site to others.

Claims 2 – 9 and 11 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rackson and Bloomfield as applied to claims 1 and 10 above, and further in view of Nguyen (US 6,412,021 B1).

The combination of Rackson and Bloomfield substantially disclose and teach the applicant's invention.

However, the combination does not specifically disclose and teach wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction as well as wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of graphical icon corresponding to a predetermined time period.

Regarding claim 2 and related claim 11, Nguyen teaches a method wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon (Col 13, lines 24 – 28) and (3 and related claim 12) wherein the graphical

icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction (Col 13, lines 24 –28) as well as (4 and related claim 13) wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of graphical icon corresponding to a predetermined time period (Col 13, lines 24 – 28). Please note that Nguyen does not specifically disclose multiple graphical icons - corresponding to a predetermined time period. However Nguyen as with other icon generation capable methods, is not limited to just one icon representation. Rather, Nguyen can generate multiple icons, which could be representing different topics or times associated with a designated event or time increment.

Regarding claim 5 and related claim 14, the recitation that “wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 60 minutes”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “a plurality of graphical icons corresponding to predetermined time periods” already disclosed by Nguyen.

Regarding claim 6 and related claim 15, the recitation that “wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 30 minutes”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant

invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 7 and relegated claim 16, the recitation that "wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 10 minutes", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 8 and related claim 17, the recitation that "wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 60 seconds", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 9 and related claim 18, Nguyen teaches a method further including the steps of: providing an icon during said on-line auction, clicking on the icon to activate the displaying of time left (Col 13, lines 24 –28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Rackson and Bloomfield with the method of Nguyen to enable the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction as well as wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of graphical icon corresponding to a predetermined time period – in order to have the ability to display for the users in a clock icon, increments of time remaining in the auction. In that regard, the user can have time increments established with several icons representing remaining time periods and click on each as required. In that regard, the user interface is easier and timelier, which will increase the satisfaction of the participants with the online auction site and thereby increase the probability that they will return for additional auctions as well as recommend the site to others.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Bates (US 6,456,307), Maguire, III (US 6,529,217 B1), Korpi (US 6,198,696 B1) and Edmunds (US 5,592,602) – all address icon generation.

Application/Control Number: 09/759,105
Art Unit: 3625

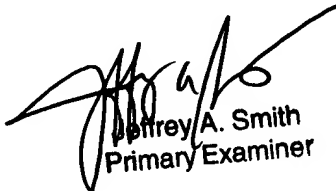
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 703.308.3588. The fax phone number for the organization where this application is 703.872.9306 for all communications.

RER

November 14, 2003



Jeffrey A. Smith
Primary Examiner